

TOWNSHIP OF WALL ORDINANCE # 4 1990

AN ORDINANCE TO AMEND AND
SUPPLEMENTAL CHAPTER XV, ZONING OF
THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WALL 1977 AS AMENDED
AND SUPPLEMENTED

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL in the County of Monmouth and State of New Jersey as follows:

Section 1 - Chapter XV "Zoning" Subsection 15-4.1, "Zones" is hereby amended to add the following zone:

"ML-12 Mount Laurel 12 Zone".

Section 2 - Subsection 15-4.2.1, "Zoning Map Amendments" is hereby amended to add the following:

The map entitled "Zoning Map of the Township of Wall" dated May 30, 1979 as amended is hereby further amended and revised to include Block 6, Lots 6 and 12 as "ML-12" thereby deleting these lots from the B-2 Zone District.

Section 3 - A new Subsection 15-18.7 is hereby added to read as follows:

15-18.9 ML-12-Mount Laurel 12 Zone

15-18-9.1a Permitted Principal Uses. In the ML-12 Zone, no premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:

(1) Senior Citizen residential. Limited to a primary occupant being age 62 or older and otherwise being in accordance with the U.S. Fair Housing Act:

(a) Townshouses, Provided that not more than eight (8) units shall be attached;

(b) Quadplexes;

(c) Multi-family structures containing flats or apartment units of up to twelve (12) units per building,

provided, however, that not more than six (6) units shall be on each floor.

(d) Municipal services and facilities.

Subsection B - Permitted Accessory Uses.

1. Common parking areas;
2. Common private recreational facilities and structures, and open space;
3. Private attached garages with a capacity for garaging not more than two automobiles per dwelling unit;
4. Storage sheds attached to individual dwelling units and/or structures containing dwelling units not to exceed 20 square feet per shed;
5. Signs in accordance with the Wall Township Sign Regulations contained in Sections 15-22;
6. Fences in accordance with the Wall Township Fence Regulations contained in Sections 15-20;
7. Such other customary accessory uses and structures as may be permitted by the approving authority. All structures may be permitted by the approving authority. All structures accessory to dwelling units shall be attached to the dwelling unit to which they are accessory. Any common storage facility shall be attached to a common building, rather than free standing.

Subsection C - Compliance with Site Plan Standards, Subdivision Standards and Regulations. Unless provided to the contrary herein, applications for development in the ML-12 Zone shall follow and be subject to the applicable Ordinances, procedures, regulations, standards and guidelines as required for preliminary and final site plan and/or subdivision review and other applicable ordinances which are incorporated herein by reference.

Subsection D - Definitions.

1. Terms Defined. The following definitions shall be used in interpreting and administering this Section only. In the case that a word or phrase in this Section is not defined herein, then the definition contained in Section ____ shall

apply.

DEVELOPABLE AREA - Shall mean land areas excluding existing streams, bodies of water, wetlands, 100-year floodplains and natural slopes of fifteen (15) percent or greater.

GROSS DENSITY - Shall mean the total number divided by the total number of acres within the residential development area.

NET DENSITY - Shall mean the total number of dwelling units divided by the number of acres of developable area located within the applicable section of the residential development area.

SLOPE - All references to the slope shall mean the natural slope of the land.

Subsection E - Maximum Regulations. Development in the ML-12 Zone shall be subject to the following maximum regulations:

1. Density. The gross density shall be no more than twelve (12) dwelling units per acre and the net density shall not be more than fifteen (15) dwelling units per acre.
2. Impervious Surfaces. The maximum total impervious surface, including buildings, shall be forty (40) percent of the developable area of the tract.
3. Building Height. Building height shall be a maximum of thirty-five (35) feet as set forth in the definition section of this Ordinance. j Each building shall be limited to three (3) stories and a basement which shall be partly below grade. Basements shall be used only for storage, utilities or similar uses.

Subsection F - Minimum Regulations. Developments in the ML-12 Zone shall be subject to the following minimum regulations:

1. Set Back Requirements.
 - (a) Sixty-five (65) feet from an existing public street;
 - (b) Twenty-five (25) feet from an internal road;
 - (c) Twenty (20) feet from any internal parking access

road;

(d) Fifteen (15) feet from any internal parking area;

(e) Thirty-five (35) feet from any external tract boundary;

(f) Twenty-five (25) feet from any other structure, provided that when buildings have glass to glass proximity, a minimum of fifty (50) feet shall be provided unless the glass plans are at more than a fifteen (15) degree angle from one another;

(g) Fifteen (15) feet from any wetlands transition area.

2. Dwelling Unit Storage. No dwelling unit shall contain less than three hundred (300) cubic feet of storage space, which space may be in basements or cellars or may be in an external storage area attached to the unit and which shall be in addition to closet space provided within the unit.

3. Dwelling Unit Width. No dwelling unit shall be less than twenty (20) feet in width.

4. Dwelling Unit Characteristics. Each dwelling unit shall contain, at a minimum, a separate bedroom, a separate bathroom and a kitchen, which shall be located separate and apart from other rooms, with the exception of a dining area. The mix of dwelling units shall be in conformance with this Ordinance.

5. Open Space and Recreation Areas. Active and passive recreational and open space areas shall be provided and shall include suitable landscaping, sitting and walking areas, horseshoe and bocci courts, field areas, swimming pool, and/or court sport facilities.

6. Buffer Areas. A landscaped buffer strip of at least twenty (20) feet in width shall be permanently maintained in accordance with the following regulations. The buffer area may be included in required set back areas and in required wetland transition areas;

(a) Buffer Location. Where the tract abuts an existing residential use and where any non-residential use abuts a residential use within the zone, a

landscaped buffer strip at least twenty (20) feet in width shall be permanently maintained along the property line abutting the existing residential use. Existing vegetation shall be maintained to the greatest extent possible.

(b) Requirement of Buffer Area. Buffer areas shall contain massed evergreen and deciduous trees and shrubs planted in such a manner that will provide a continuous screen throughout the entire year within two full growing seasons following the planting of the buffer. Evergreen trees shall have a minimum height of five to six feet when planted, deciduous trees shall be a minimum of 2-1/2 inch caliper and shrubs shall be of sizes and planted in accordance with American Association of Nurserymen's Standards.

(c) Use of Buffer Areas. Required buffers shall be used for no other purpose than as a buffer and as part of the required open space of the tract. The only structures which may be erected with a buffer area are fences as elsewhere regulated in this Chapter. All non-paved areas shall be suitably landscaped with trees, shrubs, grass, ground covers and other landscaping materials.

(d) Wooded Areas. Where an area required for a buffer is already wooded, it shall be left in its natural state, and the existing growth shall be supplemented with additional plant material where necessary to bring the buffer area up to the minimum requirements of this Chapter.

Subsection G - Other Regulations. Developments in the ML-12 Zone shall be subject to the following regulations, requirements and standards:

1. The front facade of any structure containing more than one dwelling unit shall not continue on the same plane for a distance of more than the width of two adjacent units. Off sets between front facade planes shall not be less than four feet nor more than twenty feet;
2. All utilities shall be installed underground by the developer;
3. All dwelling units shall be served by public water and

sanitary sewer systems. The developers shall pay the cost of connection and transmission facilities necessary to connect to the sewer and water systems servicing the development;

4. Garbage, refuse storage and recyclable collection areas suitable for containerized collection shall be provided in sufficient numbers and at locations convenient to the dwelling units. Such areas shall be screened from view by solid masonry walls, or other suitable materials;

5. Garbage and refuse collection shall be provided and maintained by the body responsible for internal private streets and other common facilities;

6. Streets, roads, driveways, parking facilities, walkways, street lights, fire hydrants, drainage facilities and other improvements required by this Ordinance or appropriate or necessary to the development shall be installed at the expense of the developer in accordance with the specifications of this Ordinance except as modified herein.

(a) Drainage Maintenance (Section 17-7.14o) in privately maintained streets shall be the responsibility of the developer and his successors in title.

(b) Private parking access drives shall intersect the interior private collector road at not less than one hundred (100) foot intervals on center.

(c) Common private parking ports shall not be classified as permanent deadend streets. (Section 17-8.31)

7. All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas. Rights of access and enforcement shall be formally granted to the Township.

8. Internal private roads (Section 17-8.3d) shall have the following pavement widths:

(a) Interior private collector roads thirty-six (36) feet wide (no parking provided).

(b) Interior private collector roads shall have a

minimum four foot wide concrete sidewalk. Where adjacent to overhangs and parking areas, the minimum width of sidewalks shall be five feet six inches. This sidewalk may be within a required set back area.

(c) Private parking access roads shall be a minimum of twenty-five (25) feet wide when included within any parking area.

9. At least two parking spaces shall be provided for each dwelling unit. In addition, guest parking shall be provided at the ratio of one space for every four units. At least one parking space for each dwelling unit shall be within one hundred feet of that dwelling unit measured along the route reasonably expected to be used to walk from the dwelling unit to the parking space. Parking stalls shall be a minimum of nine feet by eighteen feet. Handicapped parking stalls shall be twelve feet by eighteen feet and serviced by depressed curbing.

10. Common open space, recreational or other facilities shall be owned, operated and maintained as such by an Association composed of all the owners of the individual units.

11. All conventional dwelling units shall be constructed to be offered for sale on a fee simple or condominium basis, subject to such restrictions and covenants as may be required to establish common rights and responsibilities, except that all low and moderate income units shall be rental units limited to a primary occupants being age 62 or older in accordance with the U.S. Fair Housing Act.

12. All proposed restrictive covenants, articles of incorporation or other documents related to the creation of a homeowners association, trust documents or other deed or documents to provide for ownership, age restrictions for rental units, and maintenance of common property and facilities shall be submitted to the Township for review by the Planning Board and Township attorney prior to final review of any subdivision or site plan.

13. In any case where the maintenance or repair of any wall, fence or other improvement by its owner or his agent would require entry upon the adjacent property, an appropriate easement or right shall be created in favor of the subject owner. All such easements shall be detailed in

specifications as to the required notice and any limitations upon the right of entry and shall provide a specific means of arbitration in the event of disputes.

(a) Performance Guarantee. In the ML-12 Zone, the provisions of Section 15-18.1 with respect to performance guarantees shall apply.

(b) Maintenance Guarantee. In the ML-12 Zone, the provisions of Section 15-18.1m with respect to maintenance guarantees shall apply.

(c) Improvements Required Prior to Issuance of Certificate of Occupancy. In the ML-12 Zone, the provisions of Section 15-18.1n shall apply with respect to the issuance of certificate of occupancy.

(d) Inspection Fees. The provisions of Section 17-5.5a of this Ordinance pertaining to the inspection fees shall be applicable to all development within the ML-12 Zone.

(e) The provisions of this Ordinance shall be specifically subject to the provisions of the General Mount Laurel Ordinance, Section _____ of this Ordinance.

Section 4. Should any section, clause, sentence, phrase or other portion of this Ordinance be deemed by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Section 5. All Ordinances or part of Ordinances inconsistent herewith are hereby repealed.

Section 6. This Ordinance shall take effect upon its passage and publication according to law and filing with the Monmouth County Planning Board.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on January 10, 1990 and will be further considered for final passage and adoption at the Municipal Courtroom, Police Headquarters Building, Allaire and Bailey Corner Roads, Wall, New Jersey on February 14, 1990 at 8:00 p.m. or as soon thereafter as the matter can be reached on the agenda at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who request the same.

BEATRICE M. GASSNER, R.M.C.
Township Clerk

Adopted 8/15/90